THE HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY

WRIT PETITION No.19238 of 1997

Date: 05.04.2007

Between:

P.S.S. Ravi Kumar

... Petitioner

AND

The Vice Chairman & Managing Director,
A.P. State Agro Industries Development
Corporation Ltd., Hyderabad.

... Respondent

Counsel for the petitioner : Sri T.P. Acharya

Counsel for the respondent : Sri B. Thimothi

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WRIT PETITION No.19238 of 1997

ORDER:-

This writ petition is filed questioning the action of the respondent in holding the petitioner responsible for third party trade debts for a sum of Rs.45,264/- and the proceedings No.Pers/DM/JM/11789/96 dated 01.04.1977 by which the said amount was directed to be recovered @ Rs.1000/- per month with effect from October 1996 as illegal and without jurisdiction apart from being in violation of the principles of natural justice.

The main contention of the petitioner is that though Regulation 8.3 of the Regulations of the respondent provide for a procedure to impose penalties, the respondent failed to cause any enquiry held under the said regulation and unilaterally fixed the responsibility on the petitioner.

Heard Sri T.P. Acharya, learned counsel for the petitioner and Sri B. Thimothi learned counsel for the respondent.

At the hearing, Sri T.P. Acharya produced a copy of the order of this Court in W.P.No.25520 of 1997 dated 02.09.2005 wherein this court allowed a similar writ petition by holding that

fixing monetary responsibility on employees without holding an enquiry as envisaged in Regulation 8.3 read with Regulation 8.4 is unsustainable. A similar demand made on the petitioner therein was set aside by this Court in the said writ petition.

The learned counsel for the respondent has not disputed the contention of the learned counsel for the petitioner that this writ petition is squarely covered by the order in W.P.No.25520 of 1997 dated 02.09.2005.

In view of this, this writ petition is also allowed in terms of the order dated 02.09.2005 in W.P.No.25520 of 1997. No costs.

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C.V.NAGARJUNA REDDY, J

Date: 05.04.2007
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